

REMARKS

Applicants request reconsideration of the application in view of the above amendments and the following remarks. Applicants have carefully considered the Office action mailed on June 10, 2005. Applicants respond to the Office action as follows:

Specification

The Examiner objected to the specification for failing to provide proper antecedent basis for the claimed subject matter, specifically, the apparatus including "the combination of 'a cutting machine', 'a drilling machine', and 'a computer including an optimizing program for receiving raw material information and determining how to process material by driving the pusher to feed material to the cutting machine and the drilling machine' as set forth in independent claim 1. Note that Examiner has also included a new matter-type rejection under 35 U.S.C. 112, first paragraph below. It is noted that presently, it appears that the specification as originally filed does not support a claim having such limitations, and thus, providing antecedent basis in the specification for such would merely introduce new matter into the specification. However, in the event that it is established that support as originally filed does not exist for such, clear antecedent basis in the specification for such needs to be provided."

Applicants disagree that the specification lacks antecedent basis for the language in claim 1. The example shown in Figures 9 and 10, and associated text in the specification, support the claim under 35 U.S.C. § 112. Applicants note that the extensive description in the specification relating to a controller and various programming routines which may be carried out by the controller, apply fully to the embodiments shown in Figures 9 and 10 and the respective controllers 612, 614, and 620. Figure 8 shows a programming flowchart including steps such as programming a computer (digital controller) to optimize cutting of stock material to satisfy a cut list (p. 19, ll. 9-12). Also see page 20, lines 15-16.

Nevertheless, applicants have amended the claims to more closely track specific language in the specification. Applicants believe the claims, as amended, are fully supported by the specification under 35 U.S.C. § 112.

Claims

Applicant has amended claim 1 to clarify certain aspects of the claimed invention. Amended claim 1 recites that the pusher is “operable to feed material in opposite directions, alternately, toward the first and second machines. ... and at least one digital controller programmed to operate movement of the pusher along the processing path.” These amendments are supported in the specification on page 21, line 12 through page 22, line 6 and in original claim 1.

New dependent claims 16 and 17 depend from claim 1. Dependent claim 16 recites that the controller is programmed to optimize cutting of stock material to satisfy a cut list. The claim is supported in the specification on page 19, lines 11 and 12; in Figure 8 and related discussion; and on page 21, lines 9-11.

New dependent claim 17 recites that each machine has a dedicated controller for controlling movement of the pusher. This claim is supported in the specification on page 12, lines 16-19.

35 U.S.C. § 112

Claims 1-6 and 13-14 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection appears to be, in essence, the same as the rejection to the specification. Applicants reiterate the same response here. Applicants contend that the amended claims are fully supported by the specification under 35 U.S.C. § 112.

The comment regarding the term “material” in line 9 of claim 1 is now moot in view of the amendment. The point regarding “feed material to the cutting machine” is also moot in view of the amendment. The point regarding “toward each machine” is also moot in view of the amendment.

Regarding claim 2, line 2, applicants have added the term “respective” between “the” and “machine” as suggested.

The rejection of claim 4 under § 112 is moot because applicants have cancelled claim 4.

The Examiner states that in claim 5 it is unclear if applicants are attempting to set forth that the drilling machine can be used as a saw. Applicants have amended claim 5 as suggested by the Examiner.

The rejection of claim 6 is moot because applicants have cancelled claim 6.

Regarding claim 14, applicants have inserted the term "respectively" after "drilling machine".

Drawings

The drawings were objected to for failure to show every feature in the invention specified in the claims. Applicants believe that all features referred to in the claims are currently shown in the drawings. Specifically, the combination of a cutting machine, a drilling machine, and a controller are shown in Figures 9 and 10. As noted above, a person of ordinary skill in the art would easily understand that the detailed discussion regarding programming of a computer (digital controller) to optimize processing of material to satisfy a cut list, as disclosed in the specification, fully applies to the examples in Figures 9 and 10 either by programming the controller itself, or connecting the controller to another computer.

Double-Patenting

Applicants take note of the provisional obviousness-type double patenting rejection in view of application no. 10/964,553. Applicants believe that the claims as amended are patentably distinct from the claims in the '553 application. However, applicants will consider filing a terminal disclaimer at an appropriate time if necessary, after allowance of at least one of the two pending applications.

35 U.S.C. § 102

Claims 1, 5, 6, and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,640,855 to Giles. Claim 1 as amended is not anticipated by Giles. Claim 1 recites "a pusher positioned along the processing path, between the first and second machines, and operable to feed materials in opposite directions, alternately, toward the first and second machines." Giles fails to teach or suggest a system in which a pusher is located between a saw and a drilling machine, being operable to push

workpieces, alternately, in opposite directions towards the machines. Therefore, Giles does not anticipate any of the pending claims as amended.

Claim 2 was rejected under 35 U.S.C. § 103 as being unpatentable over Giles as applied to claim 1 and further in view of Lyon and Rasmussen. Lyon and Rasmussen are cited for supposedly teaching an interlock device. However, neither one of these references teaches or suggests a pusher located between the saw and the drilling machine, operable to push workpieces, alternately, in opposite directions toward the machine. Accordingly, the pending claims as amended are patentable over Giles, Lyon and Rasmussen.

Claims 3 and 4 were rejected under 35 U.S.C. § 103 as being unpatentable over Giles in view of Blaine et al. However, Blaine et al. also fails to teach or suggest a pusher operable to push workpieces in opposite directions towards a saw and a drilling machine. Therefore, claims 3 and 4, which depend from claim 1, are patentable over Giles and Blaine et al.

Claims 1, 3-6, 13 and 14 were rejected under 35 U.S.C. § 103 as being unpatentable over Jenkner in view of Blaine et al.

Neither Jenkner nor Blaine et al. teach or suggest the pusher configuration recited in amended claim 1. Therefore, all pending claims are patentable over Jenkner and Blaine.

Claim 2 was rejected under 35 U.S.C. § 103 as being unpatentable over Jenkner in view of Blaine and further in view of Lyon and Rasmussen.

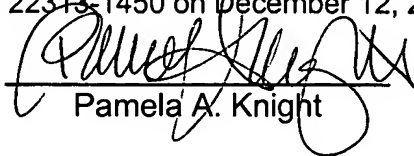
As already noted, none of these references teach or suggest the pusher configuration recited in claim 1. Therefore, all the pending claims are allowable over the art of record.

Conclusion

Applicants responded to all the issues raised in the Office action. Applicants believe that all of the claims are in allowable form. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 12, 2005.


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